

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.36934 of 1998

Between:

Teegala Muthaiah, S/o Chandraiah,
Age: 30 years, R/o. Narasimhulupet,

Narasimhulupet Mandal, Warangal Dist. **PETITIONER**

AND

1. The District Collector, Warangal, Warangal District.

2. The Revenue Divisional Officer, Mahaboobabad,
Warangal District.

3. The Mandal Revenue Officer, Narasimhulupet,
Narasimhulupet Mandal, Warangal District.

4. Nakerakanti Yakaiah, S/o Sailu,
Narasimhulupet Post & Mandal,
(via) Dantalapalli, Warangal Dist.**RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction preferably one in the nature of writ of *Mandamus*, declaring the action of the respondents 1 to 3 herein in appointing the 4th respondent herein as Village Servant of

Narsimhulupet Village and Mandal, Warangal District, as illegal, arbitrary and contrary to law and further direct the respondents herein to appoint the petitioner herein as Village Servant of the said Village, forthwith.

Counsel for the Petitioner: Mr. JALLI KANAKAIAH

Counsel for the Respondents 1 to 3: G.P. FOR REVENUE

Counsel for Respondent No.4: None appeared.

The Court made the following :

ORDER:

This writ petition is filed seeking Writ of *Mandamus* to declare the action of the respondents 1 to 3 herein in appointing the 4th respondent herein as Village Servant of Narasimhulupet Village and Mandal, Warangal District, as illegal, arbitrary and contrary to law with a consequential direction to appoint the petitioner herein as Village Servant of the said Village and Mandal.

The case of the petitioner is that he is entitled for being appointed as Village Servant of Narasimhulupet Village and Mandal, Warangal District, by virtue of his qualifications held by him. The post of Village Servant is hereditary in nature and the same is being filled up by votabandi (rotation) basis among the family members. When his cousin brother viz., Teegala Mangaiah S/o. Pitchaiah, who was holding the said post of Village Servant, was promoted, the petitioner made an application to the 1st respondent on 18-07-1998 requesting him to appoint him in the said vacancy, but for the reasons best known to them, instead of considering the case of the petitioner for his appointment in the said post, respondents

1 to 3 have appointed the 4th respondent in the said post very recently. The appointment of the 4th respondent as Village Servant without considering the claim of the petitioner and without disposing of the application, dated 18-07-1998, filed by him is highly arbitrary and illegal. Further it is the claim of the petitioner that he is entitled for being considered for the said post of Village Servant in pursuance to the Memo No.91991/VO.I/92-5, Revenue (V.O.) Department, dated

23-01-1996, issued by the Government of Andhra Pradesh, Revenue

Department.

A detailed counter affidavit has been filed by the respondents 1 to 3 denying the allegations made by the petitioner asserting that the petitioner did not file any application and put forth his case before the appointing authority i.e. the Mandal Revenue Officer, Narsimhulupeta. Further, the petitioner has not chosen to file appeal against the orders passed by the Mandal Revenue Officer before the appellate authority i.e. the Revenue Divisional Officer, Mahaboobabad.

In view of the above, without expressing any opinion on the merits of the case, the respondents 1 to 3 are directed to consider the application purported to have been filed before the 1st respondent or to be filed by the petitioner within one week from the date of receipt of a copy of this order and dispose of the same within two months from receiving such an application by giving an opportunity of being heard to the petitioner and communicate the same to the petitioner within one week thereafter.

The Writ Petition is accordingly disposed of without any order as to costs.

C.V. RAMULU, J

Date:29-06-2005.

PV

To

1. The District Collector, Warangal, Warangal District.
2. The Revenue Divisional Officer, Mahaboobabad,
Warangal District.
3. The Mandal Revenue Officer, Narasimhulupet,

Narasimhulupet Mandal, Warangal District.

4. Two C.Cs. to G.P. for Revenue, High Court of A.P.,
Hyderabad (O.U.T.).

5. Two C.D. copies.